IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CRIMINAL CASE NO. 1:00-cr-00069-MR-5

| NITED STATES OF AMERICA vs. |) |
|-----------------------------|--------------------------|
| vs. |)) <u>ORDER</u>) |
| AMOS JUNIOR SCOTT. |) |
| |) |

THIS MATTER is before the Court on the Defendant's "Motion for Recommendation" [Doc. 179].

The Defendant moves this Court for a written recommendation in support of the Defendant's petition for an executive clemency and sentencing commutation.

The Court is without jurisdiction to address the Defendant's motion. "A clemency petition is directed to the executive branch of government which has the power to grant clemency or commute a sentence. As such, clemency is an executive remedy not a judicial remedy.... Indeed, clemency petitions and decisions to commute sentences are not the business of judges and the courts." <u>Powell v. United States</u>, Nos. 11-731-CG, 10-207-CG-C, 2013 WL 1561490, at *1 (S.D. Ala. Mar. 13, 2013) (quoting <u>United</u>

<u>States v. Lopez–Meza</u>, Nos. CR 06–523–PHX–DGC, CV 06–2767–PHX–DGC(VAM), 2006 WL 3499919, at *1-2 (D. Ariz. Dec. 4, 2006)).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion for Recommendation" [Doc. 179] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: May 19, 2014

United States District Judge